

REMARKS UNDER 37 CFR § 1.111

Formal Matters

Claims 1-28 are pending.

Claims 1-28 were examined and were rejected.

Claims 8, 12, 15, 17, 22 and 28 were canceled without prejudice. Claims 1, 2, 3, 10 and 14 have been amended.

Claims 1-11, 13-14, 16, 18-21, 23-27 are pending after entry of the amendments above.

Applicants respectfully request reconsideration of the application in view of the remarks made herein.

No new matter has been added through the amendments above.

The 35 U.S.C. §112 Rejection, Claims 4, 10-12, 14-17, 21-22 and 27-28.

Claims 4, 10-12, 14-17, 21-22 and 27-28 were rejected under 35 U.S.C. §112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicants respectfully direct the Examiner's attention to the above amendments. More specifically applicant has amended Claim 4 to provide structure, and has canceled claims directed towards the "ONE TOUCH METER". Claims 8 and 14 have been amended to define structure in relation to the claimed aspect ratio.

Applicants believe that the above amendments place the pending claims in condition for allowance and respectfully request reconsideration of the claims in view of the above amendments.

The 35 U.S.C. §102(b) Rejection, Claims 1-2, 4-9, 11, 13, 16, 18-21, 23 and 27.

Claims 1-2, 4-9, 11, 13, 16, 18-21, 23 and 27 were rejected under 35 U.S.C. §102(b) as being clearly anticipated by Incorvia et al. (US 5,962,333).

It was stated in the Official Action that Incorvia et al. teaches a method of making test strips in accordance with the present application. Specifically, Figure 7 of Incorvia et al. was referenced as teaching the present invention.

Applicant respectfully directs the Examiner's attention to the above amendments, wherein independent Claim 1 has been amended to further distinguish the present invention. Applicants believe that Incorvia et al. fails to teach every element of the present invention. More specifically, Incorvia fails to teach a method of fabricating test strips wherein a strip of reagent material is disposed along a central axis of a precursor. Further still, Incorvia et al. fails to teach, suggest or disclose cutting the test strip precursor into a plurality of reagent test strips according to an inter-digitating pattern. As described in the present application, by fabricating the test strips in the claimed manner reduces the overall cost of test strip while potentially increasing the speed of fabrication. A further advantage of the fabrication method of the present application is that the test strips are fabricated having a gripping area larger than the testing area to facilitate use of the test strips.

Referring now to Incorvia et al. there is shown in Figures 1 through 6 and described therein a generally rectangular shaped test strip. Incorvia et al. does not describe producing a test strip in the manner claimed in the present invention, nor does Incorvia et al. describe the benefits gained by producing a test strip in accordance with the present invention.

Therefore, because Incorvia et al. fails to teach every claimed feature, applicants respectfully request that the 35 U.S.C. §102(b) rejection be withdrawn and the application advanced to allowance.

The 35 U.S.C. §103(a) Rejection, Claims 3, 10, 12, 14-15, 17, 22, 24-27 and 28

Claims 3, 10, 12, 14-15, 17, 22, 24-27 and 28 were rejected under 35 U.S.C. §103(a) as being unpatentable over McGeehan et al. or Incorvia et al.

Claims 3, 10, 12, 14-15, 17, 22, 24-27 and 28 are dependent claims that depend from independent Claim 1 and therefore include all of the limitations of independent Claim 1. It is the applicants belief that the above amendments and remarks place independent Claim 1 into condition for allowance, and therefore because Claims 3, 10, 12, 14-15, 17, 22, 24-27 and 28 include all of the limitations of the allowable independent claim are allowable for the reasons presented above.

Therefore, applicants respectfully request that the 35 U.S.C. §103(a) rejection be withdrawn and the application be advanced to allowance.

Conclusion

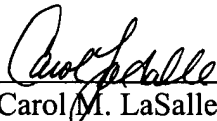
In view of the above remarks, this application is considered to be in good and proper form for allowance and the Examiner is respectfully requested to pass this application to issue.

If the Examiner finds that a Telephone Conference would expedite prosecution of this application, he is invited to contact the undersigned (650) 327-3400.

In the event that the transmittal letter is separated from this document and the Patent Office determines that extensions or other relief is required and/or fees are due applicants, the Applicant petitions for any required relief, including extensions of time, and authorize the Commissioner to charge our Deposit Account No. 50-0815, Order Number LIFE-010, for any fees due in connection with the filing of this document. The Patent Office is not authorized to charge issue fees to our Deposit Account.

Respectfully submitted,
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Date: 11/7/02

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VERSION WITH MARKINGS TO SHOW CHANGES MADE THERETO:

1. A method of manufacturing a plurality of reagent test strips, said method comprising:
 - (a) providing a test strip precursor comprising an elongated support material having a first planar surface and a stripe of reagent material positioned along a central axis thereof; and
 - (b) cutting said test strip precursor into a plurality of reagent test strips according to an inter-digitating pattern, wherein each of said strips produced includes a sample region and a handling region, where said reagent material is located in said sample region.
2. The method according to Claim 1, wherein said test strip precursor is a continuous tape.
3. The method according to Claim 1, wherein said test strip precursor is a card, wherein said card has a generally rectangular shape.
10. The test strip according to Claim 8, wherein said sample region of said strip has an aspect ratio of about [strip has an aspect ratio that is about] 0.5 relative to the handling region.
14. The test strip according to Claim 13, wherein said sample region of said strip has an aspect ratio of about [reagent test strip has an aspect ratio of that is about] 0.5 relative to the handling region.